

R-7/30/99 ->? LHC-


 Copy filed
 00CV-4953

United States Environmental Protection Agency

Form Replaced May 1997

CERCLA Enforcement Case Data

Case No.

02-99-0019

Date Entered

10/14/99 PB

CASE NAME (Lead or principal defendant, not site or facility name)

MAHAN, ET AL.

STATE

NJ

ORC BRANCH

NJ SUP

TYPE CASE

☒ CIV = Civil☐ ACC = Access Order☐ PRN☐ COL = Collection Action☐ BNK = Bankruptcy☐ CIC = Civil Judgment/Decree Enforcement

LAWS/SECTIONS: DO NOT use USC or CFR designations.

1. CERCLA / ☐ 103(a) ☐ 104(e)(2): Information ☐ 106(a) ☒ 107(a) ☐ 108 ☐ 122(e)(3)(B)
☐ 103(d)(2) ☐ 104(e)(3): Access ☐ 106(b) ☐ 107(e)(3) ☐ 109 ☐ 122(h)(3)
☐ 104(e)(4): Inspection/Sampling ☐ 122(i)

2. _____ / _____
 3. _____ / _____
 4. _____ / _____

REGIONAL TECHNICAL CONTACT: (Last Name) Robinson (1st init.) N. Phone: 637-4394

REGIONAL ATTORNEY: (Last Name) Wagner (1st init.) A. Phone: 637-3141

PRPs (All must be listed. Attach list, if necessary.)

1. Marvin Mahan
 2. Transtech Industries, Inc.

3.

4.

5.

6.

7.

8.

Multi-Media Action? ☐ Yes ☒ No If Yes: ☐ M-M inspection ☐ M-M complaint ☐ M-M settlement ☐ SEP in other media

National, Regional, or other Special Initiative? Describe: No

Environmental Justice? ☐ Yes ☒ No If Yes: ☐ ≥ 25% Minority Population ☐ ≥ 25% Low Income ☐ Both ☐ OtherIs the site on the NATIONAL PRIORITY LIST (NPL)? ☒ Yes ☐ NoIs this action to ENFORCE an ADMINISTRATIVE ORDER? ☐ Yes ☒ No

RELIEF SOUGHT IN REFERRAL (Check as many boxes as apply.)

- ☐ IRMV (Injunctive Removal)
☐ IRFS (Injunctive RI/FS)
☐ IRD (Injunctive Remedial Design)
☐ IRA (Injunctive Remedial Action)
☐ PEN (Penalty)
☐ COL (Collection)

- ☒ CRMV (Cost Recovery Removal)
☒ CRFS (Cost Recovery RI/FS)
☐ CRD (Cost Recovery Remedial Design)
☐ CRA (Cost Recovery Remedial Action)
☐ COTH (Other Cost Recovery,
 e.g., bankruptcy for future costs)

- ☐ AUD1 (100% gravity mitigation thru audit)
☐ AUD2 (100% gravity mitigation thru Compliance Management System)
☐ AUD3 (75% gravity mitigation)
☐ AUD4 (0% gravity mitigation)

240579



DATE PRN SENT

DATE OF REFERRAL TO DOJ

DATE OF REFERRAL TO HQ

DATE OF REFERRAL TO US ATTORNEY

SITE OR FACILITY DATA (Please use the address of the site of violation. DO NOT use the mailing address, defendant's address, or a P.O. Box number.)

Facility Name: Chemsol, Inc.

Street Address: Fleming St.

City: Piscataway State: NJ Zip Code: 08854

Program or FINDS ID NO.: NJD 980528889

Facility 4-Digit SIC code(s): _____

**** If there is more than 1 site of violation, please complete the FACILITY DATA FORM for each of the additional addresses and attach to this form.**

CASE SUMMARY (Attach additional pages if necessary.)

This letter referral to the U.S. Department of Justice ("DOJ") recommends that DOJ either obtain tolling agreements or file a complaint for cost recovery under CERCLA against two parties who were not included in the recently completed RD/RA consent decree regarding the Chemsol, Inc. Superfund Site, located in Piscataway, Middlesex County, New Jersey.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 30 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Lois J. Schiffer
Assistant Attorney General
Environmental and Natural Resources Div.
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

02-1999-0019

Re: Proposed Consent Decree to Settle CERCLA Past Costs and
Performance of RD/RA Work by Settling Parties at the Chemsol,
Inc. Superfund Site, Piscataway Township, Middlesex County,
New Jersey

Dear Ms. Schiffer:

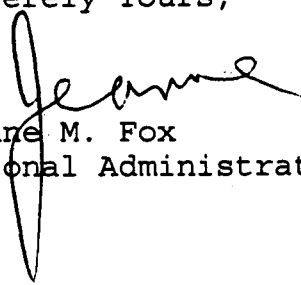
The purpose of this letter is to request the United States Department of Justice's approval, signature, and lodging of the enclosed judicial Consent Decree which resolves the claims of the United States Environmental Protection Agency ("EPA") against the private parties and Federal agencies and departments listed in the caption of the Consent Decree relating to the Chemsol, Inc. Superfund Site (the "Site") located in Piscataway Township, Middlesex County, New Jersey.

Under the Consent Decree, the settling parties agree to reimburse the United States \$3.1 million in past response costs, perform future work worth \$17.7 million at the Site according to EPA's Record of Decision, and to reimburse EPA for all its future response costs. The settling parties also agree to reimburse the State of New Jersey \$125,000 in past response costs and \$650,000 in state natural resource damage claims and to reimburse the State of New Jersey for all its future response costs. This settlement also provides for a compromise of EPA's past response costs pursuant to EPA's Orphan Share Policy and a de minimis settlement for parties who have contributed less than 1% of waste to the Site.

Department of Justice attorneys participated in and were consulted throughout the settlement negotiations between the United States, the settling federal agencies and the settling parties concerning this Consent Decree.

The enclosed Settlement Analysis contains a full explanation of the provisions of the Consent Decree and why the Region recommends this settlement. If you have any questions regarding this matter, please contact Amelia Wagner of our Office of Regional Counsel at 212-637-3141.

Sincerely Yours,



Jeanne M. Fox
Regional Administrator

Enclosures

cc: Barry N. Breen, Director
Office of Site Remediation Enforcement
U.S. Environmental Protection Agency

Pamela A. Moreau
Environmental Enforcement Section
U.S. Department of Justice